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The DREAM Act:
Extending Citizenship to Members of the 1.5 Generation and Consequences for American
Democracy

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Interdisciplinary Studies from
The College of William and Mary

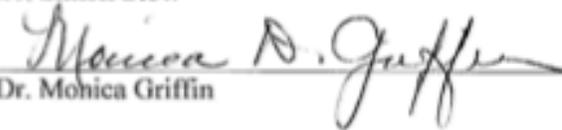
by

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THE DREAM ACT: EXTENDING CITIZENSHIP TO THE 1.5 GENERATION AND CONSEQUENCES FOR AMERICAN DEMOCRACY

ABSTRACT

The U.S. is experiencing a crisis of citizenship. Political participation and social capital are declining, as rates of trust, community engagement, and volunteerism dwindle. Historically, immigrants have been known to mitigate this crisis, because they reinvigorate democracy by bringing perspective, legitimacy, and a willingness to engage to the polity.

Today, a new issue is posed by the 1.5 Generation – immigrants who entered the U.S. illegally before age sixteen and are currently under the age of 30. Many members of the 1.5 Generation possess the positive qualities ascribed to immigrants; however, straddling the identities of citizens and non-citizens, they remain an untapped resource.

One way to draw on this resource is through the DREAM Act. Traditionally, debate over this legislation emphasizes the economic and military consequences; however, I suggest turning the focus back to citizenship. The DREAM Act is predicated on two inherent models of citizenship – one civic-republican, and one Lockean-liberal; – yet, there are problems with each of these models and how they are manifest in the proposed legislation, which hinders the U.S. from achieving a more robust conception of citizenship. In this paper, I reformulate the DREAM Act to include a public service option, which would include, but not be restricted to, military service. This option will address the problems of the liberal and republican models, build on immigrants as a resource, and advance the prospects of a new conception of citizenship that ameliorates this crisis.

INTRODUCTION

The United States today is facing a crisis in citizenship. As rates of volunteerism, social trust, and community participation dwindle, this decline in civic engagement among citizens threatens to weaken participatory democracy in the United States (Putnam 2000). However, political theorist Bonnie Honig argues that, historically, “the cure for corruption, withdrawal and alienation is... immigrants,” because they reinvigorate democracy by legitimizing the act of consent to government, bringing a fresh perspective and motivation to native-born citizens, and demonstrating a proclivity for engagement (Honig 2001, 4).

In recent decades, a new public policy dilemma has emerged, revolving around the status of undocumented immigrants who arrive in the United States at a young age. Dubbed the “1.5 Generation,”¹ these individuals are perfect non-citizens, as their illegal status and passive engagement exclude them from the rights and privileges afforded to native-born or naturalized citizens. However, they share many of the same positive qualities Honig ascribes to immigrants and associates with a reinvigorated democracy. A great number of members of the 1.5 Generation have lived in the U.S. for most of their lives, have learned English as their primary language, and have accepted American norms and customs, all while displaying an eagerness to actively engage in their new country. Yet, there is currently no way for these individuals to earn U.S. citizenship, and their potential to reinvigorate democracy remains untapped. Many Americans defend this exclusionary practice in light of the recent economic downturn, incidences of terrorism, and the increased competition immigrants pose for U.S. citizens.

¹ Young undocumented immigrants are known to some scholars as the 1.5 Generation, because they did not necessarily immigrate by choice (which excludes them from being considered members of the first generation), and they were born and raised for some period of time outside the U.S. (Gonzales 2009, 7). This particular cohort endures a constant tension, which stems from “their conflicting sense of identification and association,” because members of the 1.5 Generation view and experience the world through competing foreign and American frames (Gonzales 2008).

Nevertheless, other groups of Americans have argued that creating a path to citizenship for the 1.5 Generation is a moral and humanitarian obligation and is an economically and militarily viable course of action.

The Development, Relief, and Education of Alien Minors (DREAM) Act has been advanced as one way to draw on members of the 1.5 Generation as a potential resource. Primarily, debate surrounding this legislation focused on legal and economic considerations. However, the DREAM Act is inherently predicated on two models of citizenship, one Lockean-liberal and one civic-republican. This demands a critical reading of this legislation that allows Americans to reflect back on and analyze their own conception of citizenship.

In this paper, I argue that a close examination of the DREAM Act reveals the problems with each of these models of citizenship and how they are presented in this legislation (as the education and military service options, respectively). These models inhibit the U.S. from achieving more robust citizenship, and do not promote long-term civic engagement, a concern for the public good, and public habits. Consequently, I reformulate the DREAM Act to contain a public service option, which includes, but is not limited to, military service.² The commitment to upholding the public good that is presupposed in this requirement is consistent with republican notions of citizenship, while the choice young people will have among a wide variety of non-profit and government service options reflects a conception of citizenship compatible with the liberal tradition. Moreover, this proposal addresses the problems inherent in the liberal and republican models, builds on immigrants as a resource, and articulates a new conception of citizenship that ameliorates this crisis.

²The focus of this thesis is exclusively on younger undocumented residents. I take no position here on whether a similar analysis and policy recommendation would be justified or appropriate for other groups of undocumented residents.

This essay is divided into three sections. In the first section, I supply a profile of the 1.5 Generation to position this public policy dilemma in its proper socio-political context, discuss the most common causes of immigration, and explain the situation facing young undocumented children when they arrive in the United States. Then, I introduce the DREAM Act and describe the traditional arguments that have surrounded this issue, which emphasize the role that education can play in the economic impact of immigrants, and the contributions that immigrants can make to military preparedness. I will also examine normative and humanitarian concerns, which are rooted in compassion, fairness, and equality of opportunity. Essentially, this section provides a window into the practice of citizenship in the U.S., which sets the stage for the consequentialist and prescriptive arguments for creating a path to citizenship for the 1.5 Generation presented in the rest of the paper.

After outlining the different models of citizenship, the second section begins with a definition of citizenship and a survey of the liberal and republican models of citizenship that implicitly underpin the DREAM Act. Subsequently, I shift the focus of the debate surrounding the DREAM Act from the economic and military consequences, and discuss the citizen-based arguments for and against instituting this program. I argue that constructing a path by which the 1.5 Generation can earn citizenship enriches civic education, strengthens the institution of explicit consent to government (and thereby one's commitment to the civil society), and nets a positive impact on democracy. If Honig is correct in arguing that foreigners reinvigorate democracy, young undocumented immigrants reenergize, promote, and secure a more robust version of citizenship, which may subsequently redress and resolve the decline in civic engagement in the United States. I highlight these arguments because, while these normative

claims can be compelling, I seek to address the substantive reasons, grounded in citizenship and democracy, for establishing this program.

In light of this discussion of citizenship, in section three, I reinterpret the DREAM Act with particular attention to one of the most noteworthy (and controversial) requirements of the DREAM Act—a choice between completing either two years in a program of higher learning or completing two years in the U.S. Armed Services. By putting this legislation in dialogue with ancient, modern, and contemporary political theories, I illuminate the relationship between the education option and the liberal model, and the military service option and the civic republican model, to illustrate how elements of this policy contribute to a more robust conception of citizenship (and, therefore, increased civic engagement and deliberative democracy). I also identify problems with this specific component of the DREAM Act, which leads me to offer my own prescription that seeks to address this public policy dilemma.

Specifically, I propose a new option in the DREAM Act that requires two years of national service (which includes, but is not limited to, military service) in place of two years in the Armed Services or two years in a program of higher education. This measure makes citizenship more accessible to a wider cross-section of the undocumented population, avoids some of the more contentious issues that have delayed passage of the DREAM Act and, fundamentally, underscores the idea that the common good, mutual aid, and civic engagement (rather than individual advancement) are paramount for a more robust citizenship and vibrant democracy. Finally, this proposal reformulates and refocuses debate on this issue of citizenship. This examination of noncitizens, and creating a path toward citizenship for them, illuminates a new way to educate and practice United States citizenship that is as applicable to natural citizens as it is to the 1.5 Generation.

A great deal of information is available that explains how the children of immigrants and immigrant children are the fastest growing group of children in the United States and crucial for balancing economic and demographic shifts that have taken place in past years (Gonzales 2009, 4; Preston 2010). However, no literature currently exists that argues that young, undocumented immigrants are a solution to the decline in civic engagement among American youth or examines the consequences for democracy of programs that provide a means to earn citizenship for members of the 1.5 Generation. I aim to cover these shortcomings in the scholarly literature and add to this field of study an analysis of the potential undocumented youth possess to benefit democracy, reinvigorate citizenship, and enrich civic education among native- and foreign-born citizens.

SECTION I: AN INTRODUCTION TO YOUNG UNDOCUMENTED IMMIGRANTS, THE DREAM ACT, AND CURRENT ARGUMENTS ON THE DREAM ACT

Introduction

The United States is distinct for having been founded by immigrants, and for having laws, institutions, and cultural practices that have been constituted by successive immigrant generations.⁴ However, much has changed since the founding. New issues in immigration policy have emerged, and corresponding solutions have been proposed. One challenge that has attracted a great deal of attention is that posed by the 1.5 Generation, and one piece of legislation that has been advanced to address this challenge is the DREAM Act,⁵ which creates a path to citizenship

⁴ For the purposes of this paper, I will use the term “undocumented immigrants” in addition to “members of the 1.5 Generation” to describe this group because I do not believe some of the other commonly used terms are adequate. I disagree with the accuracy of the term “illegal immigrants” because I question the legitimacy of said illegality, and I prefer to avoid the term “alien” because I believe it also poorly describes the situation of many young undocumented immigrants who are, in fact, cultured and indistinguishable from native-born citizens in many cases. My choice in terminology is not uncommon, as Gonzales affirms, “Social scientists have pointed out that such designations of ‘illegal alien,’ ‘green card holder,’ and ‘citizen’ are arbitrary categories that separate people, endow status, and dictate who is in and who is out” (Gonzales 2008, 226).

⁵ An important prerequisite for addressing this issue is to understand the origins of the DREAM Act. The DREAM Act responds to a very specific aspect of immigration reform and, accordingly, it must be situated in historical context. In response to increasing immigration over the past half century, the growing number of undocumented children enrolling in public educational systems, and the rising costs of tuition, the state of Texas enacted section 12.031 of the Education code in 1975, which stipulated that public school districts were permitted to charge tuition to undocumented students (Olivas 2005, 197-220).

This event sparked an outpouring of litigation that began in state courts with *Hernandez v. Houston Independent School District* in 1977. The case advanced later that year to an appeals court, which ultimately determined the legislation was reasonable (Olivas 2005, 199). Immigrants’ rights advocates, campaigning on the “support our schoolchildren” slogan, returned to the courtroom the following year in *Plyler v. Doe*. Unlike the previous case, the federal district court judge William Wayne Justice struck down 12.031 because “the state’s justification for the statute [was] not rational and violated equal protection, and the attempt to regulate immigration at the state level violated the doctrine of preemption, which holds immigration to be a function solely of federal law” (Olivas 2005, 204). When word spread of Judge Justice’s ruling, several other groups filed similar cases throughout the state of Texas. The Fifth Circuit court consolidated these cases into one case, *In re Alien Children*, and was reviewed along with Judge Justice’s *Plyler* decision (Olivas 2005, 205-207). In both cases, the court affirmed that the legislation was unreasonable.

In May 1981, the U.S. Supreme Court agreed to hear appeals of both cases consolidated under *Plyler v. Doe* (Olivas 2005, 207); and, over one year later in June 1982, the Supreme Court reached its decision by a 5-4

for undocumented immigrants under 30 years of age who arrived in the United States before age 16.

This section provides a portrait of the 1.5 Generation, a description of the DREAM Act, and an overview of the primary arguments that have been made for and against its passage. In section two, I will re-examine this debate from the point of view of the theories of citizenship underlying these arguments; in section three, I demonstrate that liberal and republican assumptions lie behind the education and military service options and propose a new, comprehensive public service option that provides a balance between the intellectual traditions.

Unauthorized Immigration in the United States

margin. As Justice Brennan noted in the majority opinion, the earlier ruling was ““nothing more than an assertion that illegal entry, without more, prevents a person from becoming a resident for purposes of enrolling his children in the public schools”” (Olivas 2005, 208). Justice Brennan cited the Equal Protection Clause as established in the Fourteenth Amendment to argue 12.031 was unconstitutional because a state could not enact a discriminatory legislation that disfavored a group for being non-residents (Olivas 2005, 208). Moreover, the decision asserted undocumented children are persons under the law and thus entitled to equal protection, which allowed undocumented immigrant children free access to public K-12 education henceforth (Gonzales 2009, 11).

Since 2001, eleven states have passed laws that nullify IIRIRA, Section 505, by allowing undocumented immigrants who graduate from high school and have spent at least three consecutive years in one state to qualify for in-state tuition at colleges and universities within that state (Gonzales 2009, 4). States with this exemption include Texas, California, Utah, New York, Washington, Illinois, Oklahoma, Kansas, New Mexico, Nebraska and, most recently, Wisconsin (Gonzales 2009, 15). The fact that so many states have taken action independently reveals a weakness inherent in the federal system and a frustration among many state governments that the national government has not adequately addressed this issue.

While this judgment was groundbreaking for recognizing the educational disparities, acknowledging the plight of immigrant communities, and for providing undocumented immigrant children access to education, many immigrants’ rights advocates maintained strong opposition to this outcome. In their opinion, access to K-12 education postponed the harsh reality that all undocumented immigrants face: that at some point in their lives, undocumented youth must obtain legal residency if they want to find legal employment, obtain driver’s licenses, take out state and federal loans, and support a host of other government services or confront the risk deportation. Providing education to K-12 students, as the *Plyler v. Doe* ruling did, only to make fulfillment of lifetime career goals more complicated and limited later, did not help secure any meaningful long-term solutions.

Given that immigration transcends state (and national) borders, Congress has also attempted to address the issue of higher education for undocumented immigrants as well as the question of legalizing their status. The DREAM Act, which was introduced in Congress in 2001 as the “CARE Act,” has been at the core of this discussion. This bipartisan legislation, sponsored by Senator Dick Durbin (IL), has taken many different forms and has been reviewed in both the House of Representatives and the Senate multiple times throughout the 107th, 108th, 109th, 110th, 111th, and 112th Congresses. [See HR 1751 (“American DREAM Act,” 2010); HR 2497 (2010); HR 5281 (2010); HR 6327 (“The Citizenship and Service Act,”) (2010); HR 6497 (2010); SB729 (2009); SB 3827 (2010); SB 3963 (2010); and SB 3992 (2010).]

What is the 1.5 Generation? As Rubén Rumbaut indicated after conducting a study of thirty million foreign born immigrants, approximately 40 percent arrived before reaching eighteen years of age (2004, 1181). Immigrant children comprise the fastest growing demographic of children in the United States, as approximately two million children currently residing in the United States are undocumented immigrants (Gonzales 2009, 4). Though the undocumented population grew rapidly from 1990 to 2006, the rate of immigration has since stabilized (Durbin 2007a). As of 2007, researchers projected that only 600,000 immigrants have entered the U.S. and stayed without authorization each year since—most of whom are between the ages of 18 and 34 (Durbin 2007a; Rumbaut 2004, 1181). In total, there are approximately 12 million people living in the United States without authorization, which is approximately one-third of the total immigrant population (Gonzales 2009, 3). According to data from the Current Population Surveys conducted by the U.S. Census Bureau through 2008, Latinos make up 76 percent of the undocumented immigrants in the United States, and an estimated 59 percent of undocumented immigrants are from Mexico (Passel 2009).

Unchosen Entry: How the 1.5 Generation Immigrates to the United States

Ordinarily, undocumented children arrive with their parents, who have crossed the border illegally in pursuit of family reunification, employment, safety, and security. Oftentimes, the United States attracts migrants, while the devastated or decrepit native towns and villages from which they migrate provide few reasons (if any option at all) to stay.⁶

Many of these children learn English as their primary language and adopt American norms and customs as their norms and customs. Moreover, for many undocumented youth, the

⁶ That is not to say these systemic factors make it acceptable for young people to enter the U.S. but that it is something the U.S. must address when establishing immigration and foreign policy.

United States is the only home that they have ever known; they have no memory and few (if any) social, linguistic, or cultural ties to their country of origin.

At such a young age, it is unlikely that these individuals have the faculties to calculate fully and legitimately the risks associated with migration; thus, the responsibility to make decisions on the child's behalf falls upon parents or guardians. It is useful to look at John Locke's views on the freedom and responsibility of children because, as we will see, arguments from Lockean-liberal premises are critical to the DREAM Act. Locke posits that before children reach the age of reason—that is, the time in their lives at which individuals have accumulated sufficient knowledge to make their own thoughtful, legitimate decisions—their parents are charged with protecting and instructing their dependents. This process is extensive and, at times, intrusive, restricting a child's freedom and individuality with the expectation that their parents' involvement will be in their son's or daughter's best interest. Moreover, because children have every reason to assume their parents' actions are in their best interest and supposedly do not possess the knowledge or authority to adequately challenge any thoughts they may have to the contrary, children are assumed to have consented (albeit tacitly) to their parents' guardianship and education. In the modern day, this guardianship prompts some people to suggest that children are not responsible and should, therefore, not be punished for their parents' actions because they did not expressly consent to this decision to migrate.

When the reality of their situation is revealed, members of the 1.5 Generation must decide to return to their country of origin and apply for U.S. citizenship (a process that is costly, dangerous, and time consuming) or continue to live illegally, putting themselves and people close to them at risk. The DREAM Act has been proposed as a possible response to this migration and the difficult situation facing young immigrants and their families. I will now

describe the DREAM Act and summarize some of the debate that has ensued concerning how the U.S. government should handle the 1.5 Generation.⁷ I conclude that this piece of legislation will be beneficial for American democracy and civic engagement, as well as for the immigrants themselves.

Function of the DREAM Act

The DREAM Act establishes cancellation of removal, an immigration procedure that would authorize some undocumented immigrants to become conditional permanent residents and, if they meet additional requirements, legal permanent residents (Bruno 2010, 4). Moreover, it grants eligible undocumented immigrants conditional non-immigrant status or legal permanent resident status, which acknowledges immigrants as “lawfully present for all purposes except for the provisions in the Patient Protection and Affordable Care Act” (Bruno 2010, 6).

To be an eligible candidate under the December 8, 2010, House-approved version of DREAM Act—at which point an individual is granted conditional permanent residence status and is exempt from removal proceedings—the following requirements must be met: residence of

⁷ In the past several decades, undocumented immigrants who entered the United States without authorization have attracted special attention. Since the events of September 11, 2001, many Americans remain concerned that they are at risk of another attack on American soil, and they have implemented subsequent precautionary measures aimed at diminishing this possibility (Seif 2009, 4). For instance, the national government as well as state and municipal governments have stressed securing the border between the United States and Mexico in the hope of deterring unauthorized individuals from entering the country or capturing and deporting those individuals who do succeed in crossing the border illegally.

Additionally, the economic downturn in the first decade of the twenty-first century has made the public more concerned over the sustainability of social programs such as Social Security and Medicare. Because undocumented immigrants tend to live below the poverty line and use federal resources without paying taxes to help cover their expenses, many Americans are weary of offering an additional path toward citizenship and extending these newly-minted citizens rights and privileges when native-born citizens might not be able to access these entitlements in the future that they helped pay for.

Moreover, the changing composition of the U.S. has fueled a negative, xenophobic attitude towards immigrants. The 2010 Census reported that the Hispanic population has grown to over 50 million people (making it the largest and fastest growing ethnic group in the country), and that over three-fourths of the undocumented immigrants in the United States are Latino/a (Martinez & Ariosto 2011).

at least five consecutive years in the United States immediately preceding the date of enactment of legislation; initial entry in the United States before age 16;⁸ good moral character since the date of initial entry; age not exceeding 30 years old on the date of the legislation's enactment; submission of biometrics and biographic data for a background check; registration under the Military Selective Service Act (if applicable); and attainment of a high school diploma (or an equivalent degree). Additionally, to adjust from conditional non-immigrant status to legal permanent residence status, one must acquire a degree from an institution of higher learning, complete at least two years in a bachelor's or higher degree program, or serve at least two years in the U.S. Armed Forces (Bruno 2010, 2). One can apply for naturalization after three years as a legal permanent resident if the applicant meets all of the aforementioned conditions, has not abandoned his or her U.S. residence, satisfies English language and civics requirements, and submits all applicable federal tax liability, biometric, and biographic data (Bruno 2010, 6).

The DREAM Act is a constitutionally viable option because the precedent set by the *Plyler v. Doe* decision equally applies to the DREAM Act, promulgating the liberal ideal that “it is inherently unfair to specifically target undocumented children through legislation that denies them a free public education” (Garcia 2010, 263).⁹

Instituting a path to citizenship benefits the economy by generating untapped sources of revenue. According to a financial impact study conducted by the Congressional Budget Office,

⁸ This age restriction underscores the point that this is a program geared toward aiding those individuals who did not necessarily have a choice in coming to this country or did not have the proper faculties to make the decision to migrate without authorization (Miranda 2010).

⁹ Despite the *Plyler v. Doe* ruling, many critics maintain that the DREAM Act is still illegal and unconstitutional. To evaluate this concern, I refer to California, which has debated this issue in its State Assembly and local courts. In 2001, the California state legislature passed a bill allowing any student in California (regardless of their immigration status) who has attended high school for at least three years and graduated to be eligible for in-state tuition at California's colleges and universities. This legislation was taken to court; and, based on a unanimous California Supreme Court decision, undocumented immigrants are eligible to pay in-state tuition because they were entitled to the same tuition breaks awarded to all students, including U.S. citizens, who attended high school in California (“Fresno State Student” 2010).

the DREAM Act will decrease the federal deficit by \$1.4 billion and increase government revenues by \$2.3 billion over the next ten years (Miranda 2010). A study conducted at UCLA expanded on this research and estimated that potential student beneficiaries of the DREAM Act would add between \$1.4 trillion and \$3.6 trillion in taxable income to the United States's economy over the course of their careers, depending on how many individuals ultimately gain legal status (Miranda 2010).

In 2007, the Center for Immigration Studies estimated that approximately 2.1 million people, based on their age and presence in the United States, would be eligible for this program (Bruno 2010, 2). However, historical precedent suggests it is likely that only 38% or 825,000 of the potential beneficiaries would actually achieve legal permanent resident status under this bill (Bruno 2010, 2-3).

Arguments Surrounding the DREAM Act

The normative arguments for providing a path to citizenship for undocumented youth emphasize fairness, equality of opportunity, and the humanitarian obligation of U.S. citizens to formally admit these young people as members of the community. Likewise, consequentialist justifications both for and against implementing this program revolve around the economy, public safety and national security, education, and the military. To a great extent, many of these arguments reflect a concern for the quality and practice of citizenship in the United States and a means by which these issues can be addressed. However, I stress that not only are these normative and consequentialist claims appealing, but as I will argue in the following sections, they will also positively benefit the institution of citizenship and deliberative democracy in the United States, if implemented properly.

The Education Argument

Few Americans can dispute the benefits of educating its population and creating a skilled, intelligent workforce. For this reason, much of the debate concerning the higher education component of the DREAM Act concerns the short-term and long-term economic impact of instituting this program.

Currently, the U.S. government's commitment to the 1.5 Generation, as demonstrated by supporting their K-12 education, is a sunk cost. The investment the government makes to educate and prepare undocumented students for life as productive U.S. citizens "pays relatively few economic dividends as long as [young undocumented immigrants] are limited in their ability to continue on to college and obtain higher-skilled (and higher-paying jobs) that require more than a diploma" (Gonzales 2009, 12). With approximately 65,000 undocumented individuals graduating from U.S. high schools each year (which is currently less than half the number of undocumented immigrants who initially enroll in high school), forcing the deportation of these educated individuals could stunt growth and achievement among the youngest generation of American residents (Durbin 2010b; Durbin 2010a).

Moreover, college graduates earn an average of nearly 60 percent more than high school graduates and are more likely to receive better health and employment benefits (Miranda 2010). Documented immigrants pay more in taxes, have more money to spend and invest than undocumented immigrants, and are more likely to achieve upward mobility (Gonzales 2009, 13). Allowing a means by which qualified undocumented immigrants may attend college and legalize their status helps alloy some of the financial strain placed on taxpayers who otherwise shoulder the responsibility for paying for uninsured individuals—many of whom are immigrants (Gonzales 2009, 14). It also gives immigrants an opportunity to give back to their community in

ways that reaffirm their loyalty and commitment to bettering the United States, which enhances security rather than undermining it. Refining this group's skills with further education, training, and opportunities to practice active citizenship makes the U.S. stronger internationally and domestically, and provides opportunities for advancement for the immigrant community.

Finally, based on labor market trends, it appears that a more highly educated workforce is necessary to remain competitive in the international market. International competition and rapid globalization have led some political leaders to argue that the United States should capitalize on the skills and talents immigrants bring to – and cultivate in – the United States. This would contribute to the U.S.'s worldwide prestige, civil society, and national security (Durbin 2010a). As jobs require more skills, college degrees have become a pre-requisite for applying, and providing the 1.5 Generation an opportunity to further educate themselves and prepare for higher-skilled work serves as a means out of poverty and reinforces the “internaliz[ation] of American values and expectations of merit” (Gonzales 2010, 3). This reinforcement of these shared values, in turn, enhances the sense of community, hard work, and commitment to maintaining these high ideals.

However, opponents of the DREAM Act object to using taxpayer dollars to underwrite the education of young undocumented immigrants who are paying in-state tuition rates, when out-of-state students are required to pay significantly higher costs for tuition (although their costs may be reduced by federal or state loans or grants) (Kobach 2006). This has sparked Rep. Lamar Smith (TX) to suggest that the DREAM Act “is a dream for those who have broken the law, but a nightmare for the law-abiding and tax-paying Americans who foot the bill for continued illegal immigration” (Smith 2010). Other critics of the DREAM Act echo this sentiment, arguing that passage of the DREAM Act undermines the entire U.S. immigration system by excusing illegal

behavior and proposing requirements that are too lenient considering the laws that were broken and the good that is at stake. However, as mentioned above, beneficiaries of the DREAM Act are only eligible for federal subsidies that are paid back (such as work-study programs) and are not excused, but must earn citizenship by meeting a series of complex requirements and qualifications.

Additionally, some critics believe that allowing undocumented immigrants brought to the U.S. at a young age to adjust their status to legal permanent residents and citizens, will cause the average standard of living and education quality to drop. Yet, empirical studies of the eleven states providing in-state tuition to undocumented immigrants indicated the opposite effect. Since these programs became active, state colleges and universities have not experienced a large influx of undocumented immigrant students, the displacement of native-born students, or added financial burdens to their education systems (Gonzales 2009, 4). Rather, allowing undocumented immigrants in-state tuition tended to increase school revenues by netting tuition from students who would not otherwise attend college (Gonzales 2009, 4). Liberalizing public education also tended to benefit undocumented immigrants as well as the community by better situating them to apply for higher-paying, higher-skilled jobs, which has a positive impact on the economy, rather than compromise the liberty, property, and human rights of native-born citizens.

Although allowing undocumented immigrants into the workforce increases competition with native-born citizens for jobs, this conflict strengthens the economy by providing access to labor and exchange outside of the black-market, employing more skilled workers, and helping fund the government services that are available to all residents of this country. Conflict is natural, organic, and a necessary condition to a healthy society; and, if individuals can endure these challenges and not lose sight of their objectives, the multitude of skills, talents, and

perspectives foreigners have to offer can benefit the economic (as well as social and political) institutions in the U.S. Similarly, as I will argue below, competition, diversity, and motivation enrich American institutions, and the exclusionary laws and regulations that aim to silence or remove undocumented immigrants from attaining citizenship and engaging in political participation exacerbate the declining health of deliberative democracy and the weakening conception of citizenship in the United States.

The Military Preparedness Argument

One path to citizenship in the DREAM Act is the military service option. In 2006, nearly 40 percent of Army recruits scored below average on the military aptitude test (the highest rate since 1985), and almost 20 percent of army recruits did not have a high school diploma, which has been an empirically proven tool for building confidence, discipline, and critical thinking skills that are necessary for success in the military (Durbin 2007a). In the same year, individuals with criminal backgrounds made up 11.7 percent of the military recruiting class, and the number of moral waivers for recruits who had committed crimes increased 65 percent from 4,918 in 2003 to 8,129 in 2006 (Durbin 2007a). These statistics betray how passive citizenship in the U.S. has led to a decline in military service and commitment to serving one's country.

Passage of the DREAM Act will help solve the recruitment crisis facing the U.S., as it currently attempts to fight multiple wars and is starved of the necessary resources to fight these wars effectively. Likewise, the prospect of including undocumented immigrants could also

augment the recruitment standards and strengthen the tenacity and morale of the United States's Armed Forces.¹⁰

Allowing members of the 1.5 Generation to serve in the military would also be an investment in the human capital of the United States, assisting with army preparedness and enhancing military readiness, in addition to reinvigorating citizens to serve their country. Just as it is advantageous to have a variety of peoples and perspectives in democratic societies, it is likewise valuable to have diversity in the military. For example, many of these immigrant recruits are bilingual and familiar with or, at the very least, sensitive to the cultural nuances of different regions, so their experience could aid the U.S. in extended military operations and interventions in foreign countries.

The Normative Arguments

The longer immigration policies neglect to address the question of citizenship for undocumented youth, the closer members of the 1.5 Generation come to “the consequences and limitations of their unauthorized status” (Gonzales 2008, 225). When undocumented immigrants graduate from high school and attempt to utilize the same resources available to documented citizens, they are constrained by legal and political obstacles. In contrast, their native-born counterparts¹¹ can go to college or work, options that are either forbidden by law or cost-prohibitive for the undocumented population (Ly 2009).

¹⁰ However, records do show that, at least as of November 22, 2010 in Fiscal Year 2011, “All four active services met or exceeded their numerical ascension goals... and all six reserve components met or exceeded their numerical ascension goals” (U.S. Department of Defense 2010).

¹¹ Seventy-three percent of children of immigrant children were born in the United States and are United States citizens, which indicates that foreign-born undocumented immigrant children compose a significantly smaller population who, by virtue of where they were born, are afforded substantially less freedom from their native-born, often undistinguishable counterparts. (Passel 2009). This underscores the tension that results from a system of granting citizenship based on where you were born rather than to whom you were born.

This inequality of opportunity is objectionable to advocates for the 1.5 Generation because, generally speaking, undocumented youth did not choose to migrate and, once they arrive, they usually do not understand the limitations of their unauthorized status, which further augments their vulnerability and risk of deportation. Additionally, many individuals feel it is unfair to criminalize this behavior and deport these young people because of decisions their parents made.¹²

Yet, many people reject the notion that undocumented parents made any mistake when they decided to enter the country illegally. These migrants made a calculated choice to abandon their countries of origin, in spite of the certain, legal ramifications that lay ahead, in order to provide a more safe, stable, and successful life for themselves and their dependents.

Nevertheless, this typifies the kind of behavior expected from guardians, maximizing the health and happiness and minimizing the pain and persecution of their child. Not only parents, but also communities have a stake in raising and protecting their children because, in Locke's words, "the children... are the Children of the Public; and the Public are obliged by every consideration of humanity, religion, and sound policy, to provide for the education; to take care that such principles are implanted in their minds, and that they be trained in such habits of regularity and industry, as will qualify them for becoming useful members of society" (Locke 1789, 8).

Children should not be penalized on the basis of their association, but should be provided a means to prove themselves, just as the U.S. gives others who come in close contact with the law an opportunity to prove their innocence and reform their behavior.

¹² According to a study conducted by McGray of approximately two dozen undocumented students, most of the children that were brought across the border illegally did not suspect they were going to the United States, and those who did objected to their parents' decision or felt betrayed when they learned the truth (McGray 2006).

Similarly, immigrant rights advocates suggest that providing a path toward citizenship for the 1.5 Generation is a moral and humanitarian obligation.¹³ As members of the 1.5 Generation age, they tend to become more dissociated from their country of origin. This is because they fail to retain knowledge of their native language, customs, and social norms, and consequently view the U.S. as their home. However, they become simultaneously aware of the privileges denied to them (for example, the inability to obtain a driver's license, vote, gain lawful employment, join the Armed Forces, and receive federal grants to subsidize higher education) and more vulnerable to deportation. This manifold estrangement instills the notion that there is nowhere for this population of young people to live safely and successfully (Gonzales 2010).

Moreover, alienating undocumented immigrant youth from society and the law runs counter to the United States's policy of openness. While many opponents of the immigrants' rights movement and the DREAM Act reject the idea of extending membership to these foreigners, Carens explains "To commit ourselves to open borders would not be to abandon the idea of communal character but to reaffirm it. It would be an affirmation of the liberal character of the community and of its commitment to principles of justice" (1989, 347). Walzer adds that, although humans tend to move about a great deal, this is not necessarily an indication of their desire to do so. Rather, many migrants only opt to come to the United States when the "tension between love of place and the discomforts of a particular place" reaches its peak; and, once they arrive, many strive to blend in, find employment, and make a place for themselves as swiftly as possible (Walzer 1983, 38).

¹³ Under certain circumstances, these individuals may be eligible for humanitarian relief in the form of legal permanent resident status (Bruno 2010, 13). Although the U.S. has not yet ratified the Convention on the Rights of the Child, the first international treaty to enumerate the special rights and protections that should be afforded to children, passage of the DREAM Act "would bring the United States closer to compliance with the international human rights standards for the treatment of children" (Garcia 2010, 259).

Oftentimes the jobs immigrants assume involve hard and unpleasant work; but, if they succeed in this endeavor, contributing to the productivity and character of the United States, Walzer suggests that not only should these individuals receive residency (which is currently employed with guest workers), but the rights and protections that United States citizenship guarantees. Paralleling similar practices in common law, Walzer claims the U.S. government is obligated to accept these individuals into the U.S. and provide them irrefutable legal protection in recognition of their wish to stay, the duration of time they have lived in the U.S., and the services they provide to American society.¹⁴ Otherwise, allowing this population to continue entering the country, contributing to American society, and demanding assimilation and obedience represents a form of exploitation on par with enslavement (Walzer 1983, 52).¹⁵

Most U.S. citizens would agree that the beneficence and generosity of Americans towards strangers and the needy is one of our most sacred ideals. Yet, as Chantal Mouffe explains, “it is clear that the problem with our societies is not their proclaimed ideals but the fact that those ideals are not put into practice” (Mouffe 2005, 32). For Americans to reject any new policy or immigration reform as it pertains to undocumented youth at this time seems inconsistent and incompatible with its liberal political principles, which should value open borders for refugees

¹⁴ According to Senator Durbin, passage of this legislation is not merely a symbolic or procedural measure to square the material and metaphorical wares of immigrants with the privileges of citizenship; rather, “We owe it to the young men and women whose lives will be affected by this bill, and to the country which needs their service in the military and their skills in building our economy, to honestly address this issue” (Durbin 2010c; my emphasis added).

¹⁵ In recent years, the U.S. government has allowed temporary guest worker programs as a way to capitalize on foreign labor sources without having to extend social programs and legal protections to this working population. However, Walzer reasons that, while the U.S. economy may benefit, “The purpose of [guest workers’] status is to prevent them from improving their condition; for if they could do that, they would soon be like domestic workers, unwilling to take on hard and degrading work or accept low rates of pay” (Walzer 1983, 59). While there is an incentive to keep undocumented immigrants oppressed and without status because that will keep the economy fueled and American jobs less competitive, this program signals the U.S.’s continued exploitation, injustice, and imperialism over the people in underdeveloped states.

and workers (Carens 1989, 346-347). Excluding the 1.5 Generation constitutes the sort of hypocrisy that Mouffe identifies.

Normative Counterargument & Criticism

However, critics of immigration reform maintain that individuals who entered the country at a young age are guilty by breaking the law and equally punishable to their adult counterparts. Mark Krikorian, Executive Director for the Center for Immigration Studies, affirms this perspective, claiming, “children must also bear the weight of these mistakes” (Ly 2009). Although it is tragic for children to suffer for their parents’ choices, Krikorian adds that undocumented parents “don’t get a pass from a violation of the law because it’s bad for [their] kid” (Ly 2009).

Opponents of creating a path to citizenship for undocumented youth also argue that deportation and criminalization is warranted because some of these children (contrary to the norm) do arrive without any parent or guardian, seemingly of their own volition. *Which Way Home* (2007), a documentary film directed by Rebecca Cammisa, depicts this occurrence. Following several unaccompanied children from Central America as they ride “The Beast,” a freight train bound for the United States, Cammisa’s crew captures on film how migrating to the United States is a personal choice for some young boys and girls. Some of these children seek to reunite with family members who have already made the dangerous journey and established themselves in the U.S., but others (knowing no one and possessing nothing) merely hope to find an American family to adopt them. Still others migrate in hope of advancing themselves economically and professionally, and many search for opportunities to support and improve the lives of those they left behind.

Considering the degree of courage and stamina this journey requires, it is surprising that any child would both make and act upon the decision to migrate on his or her own. Nevertheless, it appears that this choice to migrate alone is still worthy of scrutiny because these children do not have the developed faculties or perspective to legitimately make this decision; and, once they arrive in the U.S., their potential to become beneficial, engaged, productive members of society remains unchanged.

Conclusion

To reiterate, there currently exists no legal or political mechanism by which the 1.5 Generation can obtain citizenship; and, because they entered this country without permission, they risk deportation if their status is revealed. In the 2009 fiscal year, the United States Immigration and Naturalization Services (INS) deported over 392,000 individuals (Gonzales 2010). For many undocumented immigrants— young and old—this is a frightening statistic that only confirms their worst nightmares: being forced to return to their country of origin and to abandon the life, liberty, and relative security they enjoyed in the United States.

Most arguments for and against the DREAM Act focus on economic and military considerations as well as concerns of legality. In the next section, I will refocus this discussion of the DREAM Act on the concept of citizenship itself, with particular regard to the civic-republican and Lockean-liberal conceptions of citizenship that have had so much influence on the United States. I will use this understanding to ascertain what is the best policy prescription for the 1.5 Generation and how to resolve the current crisis in citizenship in section three.

SECTION II: CITIZENSHIP-BASED ARGUMENTS ON THE DREAM ACT

Introduction

In the last section, I discussed the some of the common rhetoric and debate surrounding the DREAM Act. However, because this legislation's primary objective is to create a path to citizenship (not necessarily make higher education or enlisting in the Armed Services more easily attainable, as the media and legislators might have one believe), I would like to reformulate the debate concerning this program with a greater emphasis on citizenship. Accordingly, this section begins with a definition of citizenship and how it is distributed in the United States, an explanation of the current crisis in citizenship, and a survey of the liberal and civic republican theoretical traditions that dominate Americans' perception of citizenship in the United States and have contributed to this crisis. I go on to highlight some of the limitations of each of these models of citizenship to demonstrate how they cannot be implemented exclusively but in combination with one another in order to correct defects in each model and achieve the highest, most robust levels of citizenship. Given the situation of the 1.5 Generation and this paper's particular conception of citizenship, I explain how this group epitomizes the passivity inherent in the status of noncitizens, while retaining the raw potential to transform into ideal citizens. I also describe how explicit, engaged citizenship should be instituted as a natural step to create a more robust form of civic engagement and political participation.

Defining Citizenship

Citizenship, depending on the political paradigm governing the territory, can adopt varying degrees of significance ranging from legal status to membership to identity. In other words, a country may prioritize the legal rights and privileges granted by virtue of citizenship (as

is the case in the United States), one's participation and inclusion in a community (as observed in ancient Greece), or one's shared values and ancestry (as practiced in Germany, where citizenship is transmitted by blood rather than by virtue of where one is born). Fundamentally, citizenship is a primary good consisting of "membership in a socio-political community," and it derives meaning from the individual's relationship to or involvement in this community, the way it is distributed from members to prospective members, and the benefits conferred by this membership (Bloemraad 2009, 9).

Requirements to obtain this status differ depending on the region's desired exclusivity, capacity, and availability of resources. Michael Walzer explains that affluent countries, such as the United States, are analogous to "elite universities [in that both are] besieged by applicants. They have to decide on their own size and character," which requires citizens to choose "Whom should we admit? Ought we to have open admissions? Can we choose among applicants? [And] what are the appropriate criteria for distributing membership?" (Walzer 1983, 32). Distributing membership constitutes a significant, exclusive source of power that has the potential to transform communities. Similarly, the criteria used to determine membership influences all future distributive choices: "it determines with whom we make those choices, from whom we require obedience and collect taxes, [and] to whom we allocate goods and services," (Walzer 1983, 31).

Conferring Citizenship

There are three customary ways of obtaining citizenship in the United States. The primary means is *jus soli*, more commonly referred to as birthright citizenship, in which any child born in the United States automatically receives American citizenship, even if the mother

was living in the United States illegally at the time of birth.¹⁶ *Jus sanguinis*, or right of blood, is a policy that grants a child citizenship if he or she has at least one parent who is a U.S. citizen at the time of birth, even if he or she was born outside the United States. Naturalization is an additional means of conferring citizenship, which takes place after birth and is intended for foreign-born individuals who customarily entered the country legally or as a refugee.

Citizenship has a long history, and contemporary citizenship is a reflection of “ancient virtues if only for the enjoyment of modern rights” (Walzer 1989, 218). It is both active and passive, republican and liberal. Bloemraad contends that citizenship is composed of four dimensions: legal status, rights, identity, and participation (2009, 9). To have a robust form of democracy, these dimensions must be present in roughly equal measures. However, the balance has shifted in recent years in the United States, and the value of legal status has risen disproportionately to the value of participation. This transformation is partially the result of the United States’s espousal of liberalism, which gives citizens the freedom to choose whether and to what extent they would like to engage in civic activities. Rights have come to be recognized as implicit security or protection, rather than a political agency to be exercised (Walzer 1989, 215).

¹⁶ There has been a recent movement by some legislators to end birthright citizenship. Senators Rand Paul (R-KY) and David Vitter (R-LA) have proposed a constitutional amendment that would grant U.S. citizenship automatically to only those individuals who have at least one parent that is a U.S. citizen, a legal resident or an active member of the Armed Forces (Rubin 2011). Individuals who did not receive citizenship under this format could follow the traditional naturalization process to attain these rights and responsibilities. The Paul and Vitter amendment is meant to resolve issues with children born in the United States of undocumented parents; however, this proposal would make it such that even grandchildren of children born in the U.S. as “anchor babies” would still be illegal immigrants.” In other words, this legislation would very much resemble the German policy on birthright citizenship, marginalizing immigrants across generations. Presumably, parents come to United States to give birth to their children so that they may be able to attain the benefits of citizenship themselves; however, individuals must be at least 21 years of age before they can sponsor a parent for naturalization.

However, by denying birthright citizenship to a child born in the U.S. to illegal parents makes them utterly stateless. Another outcome possible outcome is that this bill could make America more welcome—not less—to newcomers, by allowing children of foreign-born, undocumented parents who have lived in the United States for a predetermined number of years a means by which they can earn citizenship (Wilkinson 2010).

When political engagement shifts from active to passive, the cohesiveness of the community and the content of democratic deliberation decline.

The Crisis in Citizenship

In recent years, civic engagement has shifted from the public to the private sphere, which is to say citizens spend less time at public forums or in deliberative settings and more time at independent work or leisure activities (Walzer 1989, 212-213). Rapid changes in technology and the transforming composition of the U.S. population are contributing to the decline in civic engagement and altering the demands of citizenship in the United States. This disparity is a glaring inconsistency in general civic engagement trends, which revealed soaring rates of youth volunteering, interest in political affairs and political discourse, and social networking in the immediate aftermath of September 11, 2001. Still, historical data on public engagement and service reveal there is a gap growing in volunteerism, social trust, and community participation between privileged and underprivileged young adults (The National Conference on Citizenship 2010).

This discrepancy calls to mind Robert Putnam's *Bowling Alone*, which reported significant decreases in participation in community projects, social visits with friends, and volunteering for people in their twenties between the years of 1975 and 1998, ultimately trending toward a decline in civic engagement and social capital (Putnam 2000). Although the Internet, globalization, and trans-nationalism recovered some of these losses, they have also exacerbated distrust, disinterest, and disengagement across socio-economic classes—particularly among the least well off (Sander & Putnam 2010).

Immigrants present an optimal solution to address this decline. This group of people seeking access to—and inclusion in—the United States not only legitimize the democratic, deliberative politics that the United States champions globally, but can also reinvigorate citizenship and help inform the instruction and practice of citizenship. The 1.5 Generation is often characterized by keen instincts, discipline, and a strong work ethic. According to Bonnie Honig, “In the contemporary United States, a variety of American institutions and values, from capitalism to community to family to the consenting liberal individual, are seen to be periodically reinvigorated by that country’s newest comers, its idealized citizens: naturalizing immigrants” (Honig 2001, 4). Not only do foreigners have the potential to hold some of the country’s most influential and inspiring posts, but their diverse backgrounds also give them a unique range of experiences and insights to draw upon when helping our institutions rise to meet our nation’s most difficult challenges.

Honig, who has studied the effects of immigrants on democracy, also suggests that immigrants personify the essential elements of a political actor and citizen, which include: a refreshing psychological insight; a willingness to expose “stale or corrupt patterns; a departure or disruption that is necessary for change;” a capacity to identify and resolve the problems of democratic activity; and the “impartiality, breadth of vision, and objectivity” required of every political participant (Honig 2001, 4). Immigrants possess a valuable perspective that cannot be recreated among native-born citizens. Not only were immigrants key to the development and distribution of citizenship, but they continue to inspire and invigorate Americans’ discussions and definition of citizenship.

It cannot be denied that every undocumented immigrant is guilty of perpetrating at least one illegality by entering the country without permission, and that some individuals who enter

the country illegally are potentially a threat and liability to homeland security. With such high stakes and the history of rule-breaking, it is understandable that native-born or naturalized U.S. citizens are unsympathetic and unwilling to provide a path to citizenship for the 1.5 Generation. Nevertheless, immigrants have been overlooked in the United States for the critical role they play in the perpetuation and revitalization of the legal and political system. Consequently, I will now examine two approaches to citizenship have been particularly influential in the United States: the civic-republican approach, which had its origins in ancient and renaissance city-states and republics, and the Lockean-liberal approach, which can be dated to the Reformation and the rise of capitalism. Both of these models play a critical role in the DREAM Act, and I will begin by outlining the each theory here to explicate how, in combination, they can remedy the dilemma posed by the 1.5 Generation and ameliorate the crisis in citizenship.

The Liberal Theory of Citizenship

For the purposes of this analysis, I define “liberal” as a political perspective concerned with basic human rights as well as the protection of the individual will and individual choice (Schuck & Smith 1996, 20). In liberal political societies, citizenship is conceptualized as originating in a contract or covenant with the government, in which some rights are given up (such as the right to steal), so that others (such as property rights) are retained. Although Carens contends that “liberal theories were not designed to deal with questions about aliens” because liberal thinkers situated their theory in the context of a sovereign state, the liberal perspective, which is central to American values, has had a crucial impact on discussions of immigration and undocumented immigrants and is worth discussing here (Carens 1989, 341).

In the history of citizenship theory, the emphasis on individual possession that emerged in the seventeenth century was the tipping point from the republican paradigm to the liberal ideology (Pocock 1992, 41). At this point in time, individuals became more concerned with the economy of their life and their actions, and “began to establish themselves as proprietors before citizens” (Pocock 1992, 44). Liberal theorists such as John Locke promulgated this new perspective, underscoring the notion that applying one’s labor to a certain good or item makes it his or her property. Likewise, one has property in his or her own faculties, which creates an added potential to develop relationships and cultivate more possessions. As Ignatieff observes, “the economic man may be a citizen, but he need not be,” intimating that the protection of individual property and possessions began to take priority over the republican ideals of fraternity, cooperation, and mutuality (1995, 61). Thus, the increase in possessions ushered in a new era determined to protect these assets as well as the owner’s political, material, and above all *private* rights to them.

Consequently, from a liberal individualist perspective, one views “politics as a means to a private life” (Kymlicka & Norman 1994, 294). Citizenship, or at least the active, engaged citizenship we will see extolled in the republican tradition, is not a central part of one’s life, but is loosely held among fellow citizens, who direct more attention to individual goals (such as protection of property, freedom of speech, freedom of choice, and self-preservation) than collective goals (which include the common good, fairness, and public service) (Walzer 1989).¹⁷

¹⁷ As Oldfield concedes, citizenship is not a natural practice for human beings (Oldfield 1990b, 186). Citing Rousseau, Oldfield suggests, “an individual’s ‘natural’ character has to be ‘mutilated’ before they will engage in [the practice of citizenship]” (Oldfield 1990b, 186). Because this is costly, engineered, and a strike against one’s autonomy, many liberal individualists object to having their characters systematically and forcefully constructed, (Oldfield 1990b, 186). However, this ideal form of citizenship is still beneficial both to the individual and the community. After giving one’s explicit consent, it is essential to remain an active participant in the function of government because “[citizenship] can[no]t be exercised democratically without the ongoing consent of its

For this reason, many liberals view citizenship as “a status, an entitlement, a right or set of rights passively enjoyed” (Walzer 1989, 216), which has prompted some scholars to regard it (often from a civic-republican point of view) as merely “nominal citizenship” (Bloemraad 2000, 13).

This liberal theory resembles the legal tradition of citizenship that is also based on the notion of a status. According to Oldsfield, citizenship “inheres in individuals, but ... requires the endorsement of civil law for its protection; and ... needs a protection both from the predatoriness of other individuals, and from the arbitrariness of government” (Oldfield 1990b, 179). As Hobbes suggests, individuals form civil societies out of fear of one another; and, though immigrants have often been vilified by citizens for breaking laws, stealing jobs, diminishing the quality of social services, and prompting unwelcome changes to the character of the nation, granting them inclusion and citizenship seems an ironic, yet, theoretically promising solution (Hobbes 2001, II.xx.2).

Apart from abating fear, Oldsfield also argues one must move beyond an exclusive emphasis on status to have a more enriched notion of citizenship that aligns with the United States’s democratic values (1990b, 180). As Pocock cautions, “the ideal of citizenship has come to denote a legal status, which is not quite the same thing as political status and which will, in due course, modify the meaning of the term ‘political’ itself” (1992, 36). However, there remains an inconvenient paradox of liberalism, which does not ensure individuals are civically educated or will make any effort to become politically engaged. The reality that one of the privileges granted to an individual after contracting with a civil society is the right to choose to abstain from political activity enables passivity and political indifference, which contribute to the decline

subjects[;] and its subjects include every man and woman who lives within the territory over which these decisions are enforced” (Walzer 1983, 58).

in civic engagement and participatory democracy. This is a common criticism of liberalism, as it “fails to recognize that being part of a community is a primordial good” (Bloemraad 2000, 22).

Explicit Consent: A Fixture and Evaluation of the Liberal Model of Citizenship

One manifestation of liberal citizenship that is present even in the modern era is the institution of consent to government, or the process in which one confers his or her obedience to the government, and subsequently receives certain individual entitlements. These privileges and protections are determined by the political community at its formation, are intended to maintain political unity, and are capable of stimulating political participation. Thus, insulated by this legal-political framework, individuals are free (in reality, within the confines of the law, or, theoretically, within the Lockean proviso that one is entitled to “as much and as good as is left in common for others”) to pursue their individual goals or conception of the “good life” (Locke 1993, V.27; Bloemraad 2000, 21). Although some degree of inequality is inherent to this theory, the liberal individualist sentiment promotes the accumulation of property, free choice, and self-advancement so long as an individual remains industrious and obedient, and does not allow these assets to spoil or perish.

The social contract produces mixed results for the institution of citizenship and democracy. In the United States, as in Locke’s political treatises, government is often thought to be created to protect men’s natural rights—specifically life, liberty, and property—and functions legitimately through the consent of the governed. Locke acknowledges that these are precious entities that are in *everyone’s* best interest to preserve and that individuals “unite for the mutual *preservation* of their lives, liberties and estates” by contracting with one another to form a government (Locke 1993, IX.123).

In the United States, native-born citizens' consent is implied due to birthright citizenship, which is granted by the Fourteenth Amendment.¹⁸ In theory, once an individual reaches an age where they can competently and legitimately make their own decisions, implicit consent must be succeeded with express consent to become a fully active and informed member of the polity. However, in practice, this rarely takes place, *except* among immigrants seeking citizenship.

No other form of consent possesses the same real and symbolic magnitude as express consent, best defined as voluntary, intentional, and unambiguous communication (in either the verbal or written word, or by gesture) to a particular agreement (Merriam-Webster 2010). It is hardly a novel observation that immigrants – not native-born Americans – are the only group of people in the U.S. to affirm this formal declaration to uphold the rights and responsibilities of citizenship. When immigrants naturalize, they are required to swear an oath of citizenship not demanded of any native-born citizens.¹⁹ Expressing consent legitimizes the government to which one is subscribing, affirms the country's goodness or attractiveness in the world order, provides a real and symbolic gesture to which individuals may be held accountable and obedient, imparts a unique and prestigious distinction, encourages one to embrace his or her political identity, and become more civically engaged (Honig 2001, 94).²⁰ Explicit consent also preserves order,

¹⁸ The Fourteenth Amendment Stipulates: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (The United States Constitution, Amendment XIV, Section 1). The enforcement of this policy is also codified in the United States Immigration and Nationality Act.

¹⁹It is also important that express consent is not coerced, but that individuals demonstrate an appreciation for, and careful consideration of, the rights and responsibilities this status involves—an act not required by tacit consent. Pocock confirms that it is an individual's instinct to remain engaged because "by some inherited programming, [we] believe that the individual denied decision in shaping her or his life is being denied treatment as a human, and that citizenship—meaning membership in some public and political frame of action—is necessary if we are to be granted decision and empowered to be human" (Pocock 1992, 34).

²⁰ Some criticize manifestations of this ideal form citizenship as a performance, or a desire to conform to society's demands, conceal their differences or faults, and to establish a sense of membership in the community. As Jean-Pierre Vernant wrote, "In general humans don't seek to transform nature, but to conform to nature" (Deneen

prescribes a series of steps for assimilation, invigorates the sense of community, and fosters productivity and participation. More than a simple end in and of itself, consent is instrumentally rational for the function and health of strong civil societies.²¹

In contrast to express consent, tacit consent poses problems because the extent to which it bonds individuals to government, primes individuals for future passive engagement, and—in the case of native-born citizens—ties and obligates individuals to government by virtue of where they were born. The decision to live in the United States as a native-born citizen is therefore an indication of tacit consent, the silent, implied, liberal alternative to express consent. And, although highly convenient for the millions of Americans born each year, birthright citizenship deprives the United States of a symbolic national gesture. This diminishes citizenship's non-legal values, such as membership, rights, and participation, because native-born citizens need not demonstrate proof of their loyalty and commitment to the United States to profit from the benefits of membership. Tacit consent also weakens democratic participation, promoting passive engagement and consensus driven politics, rather than healthy deliberation.

2000, 32). Performative democracy serves as a channel by which the individual adopts the characteristics and behavior of ideal citizens: those who are participatory, personally responsible, honest, self-disciplined, industrious, obedient, compassionate, committed, patriotic, understanding, and oriented toward justice and the common good (Westheimer & Kahne 2004, 2). Their performance also serves a pedagogical function because imitating this golden image of democracy allows them to discern the essential qualities for acceptance in society, citizenship, and democratic decision-making. Moreover, in a very Aristotelian sense, this act serves not only as a means to an end, but as an end in itself, delivering a deliberate solution to their uncertainty. However, performative citizenship also conveys an overly romantic, staged, and diluted view of human nature and the steps one must take to live an active, long-lasting and plentiful life. Though instructive, performative democracy can be extremely taxing, as it demands a great deal of energy, care, and risk of its practitioners. Taming one's uncertainty into an identity that exemplifies the collective principles, values, and interests, without fully appreciating and undertaking the responsibilities of citizenship creates a fictitious, "informal existence," and harmful to the socio-political community in which one feigns honest membership (Gonzales 2008, 224-225). Consequently, it is important for ideal citizens to be distinguishable by their consent to government and their degree of political engagement once they acquire membership.

²¹ However, political theorist Bonnie Honig suggests naturalization and citizenship swearing-in procedures "inadvertently highlight [the legitimacy problem] by simultaneously calling attention to the fact that most American citizens never consent to the regime" (Honig 2001, 95). Rather, this merely "symbolic solution" places the onus on foreigners to validate the laws and values of the regime by modeling good civic behavior, while allowing native-born citizens to passively disengage from civic life.

The gravitation toward consensus is not only “conceptually mistaken” (to use Mouffe’s words), but is also problematic as it indicates the decline of the careful scrutiny, analysis, and debate that defines democratic politics and maximizes the public good (Mouffe 2005, 2). That is not to say, however, that cooperation and consensus are worthless. Consensus helps establish a spirit of community and trust for the implementation of public policy, leaves some room for political bargaining, and is necessary for the universal acceptance of certain ethico-political values that are “constitutive of democracy” and “inform the political association,” such as freedom, liberty, and equality (Mouffe 2005, 31). However, democracy must be agonistic; consensus must be accompanied by some conflict or dissent (which Mouffe describes as the “stuff” of democratic politics) and nurtured within a liberal, pluralistic framework because, “in a pluralist democracy, such disagreements are not only legitimate but also necessary” (Mouffe 2005, 31). As Bloemraad argues, “The very act of coming together, arguing over political decisions, and then trying to decide the best course for the collective” help shape the community identity and members’ relationships to one another (Bloemraad 2000, 21).

Moreover, for a nation built on civic traditions and democratic ideals, tacit consent cannot replace or excuse an absence of express consent because it presents a myriad of problems for the health and stability of civil society—whether it is composed of citizens or non-citizens. Rather than furthering democracy with greater civic education, community participation, and pluralism, tacit consent perpetuates blind political trust. This subdues (if not *removes*) people from politics, transforming a robust, self-determining body into a co-opted republic of passive followers.²² Moreover, native-born citizens’ tacit consent primes them for a lifetime of passive,

²² Thus, it is not surprising that political theorist Michael Walzer considers tacit consenters as nothing more than “resident aliens at home” (Walzer 1983, 112). He demands that there ought to be an opportunity for native-born men and women to distinguish themselves from other aliens or immigrants, declare their intention to become

conciliatory political engagement, which is troubling because the aim of democracy is to create an open forum for dialogue and dissent, “a vibrant ‘agonistic’ public sphere of contestation where different hegemonic political projects can be confronted” (Mouffe, 2005, 3).

For the 1.5 Generation, consent at the time of entry is too laden with real and theoretical complications to hold them accountable, but their decision to consent explicitly to the laws, rituals, and customs – to epitomize and become United States citizens – is pivotal. The absence of citizenship implies a sense of homeless and statelessness because freely-floating individuals are vulnerable and guaranteed no protection under the law.²³ According to Michael Walzer, this is “a condition of infinite danger” because “nonmembers are vulnerable and unprotected in the marketplace...for they have no guaranteed place in the collective and are always liable to expulsion” (Walzer 1983, 31-32). This perhaps provides some explanation why groups place such a high price on the status of citizenship.

The Civic Republican Theory of Citizenship

In contrast to the liberal theory of citizenship, the republican theory attracts praise for instilling cooperation, mutuality, reciprocity, and fraternity—in other words, a “thicker” notion of citizenship—that provides, to many, an attractive alternative to liberalism’s individualistic shortcomings (Oldsfield 1990b, 180). Though the word “citizen” is derived from Latin (*civis*),

citizens, and exercise their political rights (Walzer 1983, 112). As a nation founded on and promulgating the practice of democracy, tacit consent or *passive citizenship* is not sufficient for sustaining a healthy and robust political society.

²³ This is one of several reasons why theorist Michael Walzer claims that the practice of exclusion in the distribution of membership or citizenship must start by strengthening security and enforcement at the borders. Walzer explains, “When the scale of political organization changes, unity and trust collapse and a different understanding of citizenship is required” (1989, 214). If individuals manage to enter the country, settle, and become productive members of society, the host country has an obligation to accept them. “Often the state controls naturalization strictly, immigration only loosely,” Walzer contends; however, “the same standards apply to naturalization as immigration, that every immigrant and every resident is a citizen, too—or, at least, a potential citizen... The members [of a state] must be prepared to accept, as their own equals in a world of shared obligations, the men and women they admit; the immigrants must be prepared to share the obligations” (Walzer 1983, 52).

the concept originated with the Greek term *polites*, a member of a Greek *polis*, or city-state. In these Greek city-states, citizenship was restricted to a select group of adult male property owners who were “equal among themselves and sustained by an economy of noncitizens,” and were contemptuous of bureaucratic or imperial rule (Ignatieff 1995, 59). This motivated the Greeks to implement self-rule where the government served as a patriarchal, regulatory, and deliberative body, sustained by virtuous, spirited civic engagement.

Aristotle argued that, by nature, man is *kata phusin zoon politikon*, which translates to “a creature formed by nature to live a political life” (Pocock 1992, 34). The forerunner to the economic man, the political animal thrived on political activity (such as participation at meetings, giving speeches, and voting) and service (in the military and the community); he exercised his highest capacities by prioritizing the public good over private interest (Ignatieff 1995, 56). He ruled and was ruled; he governed and obeyed. In contrast to the universality of liberalism, citizenship under the republican paradigm was a coveted, limited, demanding status held among a “closely-knit body of individuals” (Walzer 1989, 216). These people were fiercely committed to one another and to the business of political actors, which included lawmaking, administration, and deliberation.

Political participation was essential to stimulate deliberative democracy, and membership in the socio-political community, or *citizenship*, encouraged participation. Sustained political participation was a direct result of civic education, which entailed cultivating civic skills and norms of civic virtue at a young age. At “the core of life,” citizenship was perceived as a “higher form” or a “higher pleasure,” intrinsically linked to good judgment and responsible behavior (Walzer 1989, 216). These high standards contributed to a sense of civic virtue among citizens, who were consequently imbued with the responsibility to guarantee good government.

As a result, political arenas emerged where political actors could convene and deliberate the issues of the day (sometimes in formal settings such as the Assembly, but oftentimes in more casual settings that were not directly associated with politics, such as the Theater of Dionysus). These fora not only provided outlets to learn about one's duties in the context of public affairs, but also gave citizens opportunity to cultivate their civic skills by engaging in discussion, decision-making, and community building. What, a liberal might ask, is in it for the individual to dedicate so much time and energy to public affairs? From a civic-republican perspective, civic engagement was instrumentally rational for individuals because membership, participation, community, were seen as good in themselves, not only a means to private ends.

However, despite the republican espousal of public participation, this model remains highly exclusive. In ancient Athens, only landed men could participate in political activities, leaving a sizable portion of the population without the rights or the forum to engage in deliberations or political discourse, take part in ceremonies, receive civic education, or serve in the military. Also, civic republican citizenship can demand an almost blind loyalty to the community, a perspective that Socrates explores in *The Crito*. This loyalty, which is often associated with the willingness to die fighting in defense of the city's walls, can sound extreme to modern ears, but is evidence of being influenced by the liberal tradition.

Civic Education

As great civic-republican political theorists such as Aristotle elucidate, citizenship cannot simply be distributed or avowed; it must also be taught. Members of a democracy need to be educated at a young age how to participate in these socio-political environments because the institution of democracy cannot continue to function without people who are dedicated to

participating in and sustaining it (Westheimer & Kahne 2004, 6). Although this truth conflicts with the liberal notion that it is one's prerogative to decide how and to what extent to participate in politics or civically engage, Westheimer and Kahne argue, "The choices we make have consequences for the kind of society we ultimately help to create" (2004, 6). Liberals are naïve if they believe growing up in a privatized, commercial America does not have its own socializing influence that can make genuine choice impossible. Indeed, Oldsfield adds that civic education is a communal, civic obligation because it "must ensure its intergenerational continuity; hence, the rearing of the young in appropriate ways is one of the duties of citizenship" (1990b, 181).²⁴

Effective democratic participation and other civic skills are refined through knowledge of politics, which is cultivated through civic education and practice in public and political forums. Beyond learning about government and even taking leadership roles in the civic affairs and social life of a community, civic education requires instilling personal responsibility, with an emphasis on honesty, integrity, self-discipline and hard work through hands-on experience (Westheimer & Kahne 2004, 2-3).²⁵ Civic education primes young people to participate and become more politically active by stressing working, paying, obeying, contributing, volunteering, and practice with public debate (Westheimer & Kahne 2004, 2-3).

²⁴ Civic education and character building programs are essential to the construction of a resilient, agonistic democracy and ideal, active citizens. Character building programs alone, however, are insufficient. As Westheimer and Kahne explain, they can "distract attention away from analysis of the causes of problems" (2004, 3). Yet, these are the programs that are prioritized, as evidenced in a study commissioned by the National Associations of Secretaries of State in 1999, which found that "94 percent of those aged 15-24 believed 'the most important thing I can do as a citizen is help others'" (Westheimer & Kahne 2004, 4). While this altruism is commendable, volunteer service and consensus building do not necessarily yield justice or good government.

²⁵ According to McKee and Seltzer, "young immigrants are as likely as native youth to embrace core American political values, practice volunteerism, and become politically involved to the extent that their citizenship and socioeconomic circumstances permit" (Seif 2009, 10). Likewise, although immigrant youth display less civic knowledge, Torney-Purta, Barber, and Wilkenfield found that immigrant youth demonstrated comparable levels of civic engagement to their native-born counterparts and, controlling for economic status, disparities in civic engagement between foreign-born and native-born young people disappear (Seif 2009, 10).

Students must also be oriented toward justice and maintain compassion and understanding (Westheimer & Kahne 2004, 4). To prepare young citizens to explicitly analyze the root causes of social injustices and affect change, they must be able to “understand the interplay of social, economic, and political forces and to take part in projects through which they might develop skills and commitments for working collectively to improve society” (Westheimer & Kahne 2004, 3). This is not an unreasonable request to make of the 1.5 Generation (as I will make this appeal in my comprehensive public service policy recommendation), and it is a demand many undocumented immigrants have already demonstrated a tendency to meet.

While their engagement is more likely to benefit their ethnic group,²⁶ young immigrants are already participating and volunteering in their communities. If society and the government are more receptive to the immigrant community, immigrants will be more inclined to serve more broadly (Seif 2009, 11). Society must not overlook the importance of empowering young citizens (or prospective citizens) with civic education and developing a public sphere conducive to, and institutionalized means that facilitates the practice of, active citizenship. The political environment must be composed of deliberative, pluralistic institutions, which nurture and encourage the active, robust form of citizenship on which democracy thrives. In this regard, though higher education and military service are useful mechanisms, two years of national public service (as I propose) is the most suitable, effective means of inculcating these civic ideals and habits.

Counterarguments and Responses to the Counterarguments

²⁶ Immigrant youth’s activities tend to focus on political activity against discrimination, involvement in sports, and high levels of participation in church groups and among family members (Seif 2009, 11).

Considering there are approximately two million children currently living in the U.S. without permission and hundreds of thousands more born to undocumented parents every year, this obligation to provide for undocumented children seems unfair and unnecessary to native-born or naturalized citizens who are entitled to the privileges and protections afforded by their U.S. birthright citizenship. Opponents claim that admitting foreigners who arrived in the U.S. illegally is a threat to “the security of each man’s private possessions” because, as history shows, where there is size and competition, there also exists tension (Locke 1990, 58).

Consent is not sufficient to justify membership in a community because, according to Michael Walzer, one of the premier rights of an organization once it has formed is to determine the criteria for admissions: “the distinctiveness of cultures and groups depends upon closure and, without it, cannot be conceived as a stable feature of human life. If this distinctiveness is a value, as most people seem to believe, then closure must be permitted somewhere” (Walzer 1983, 39).

Nevertheless, if immigrants enter the country and the United States benefits from the contributions these people make, to withhold legal status and the opportunity for civic engagement is, in Walzer’s opinion, committing “the first of a long train of abuses” (Walzer 1983, 62). Because individuals do not always have a choice in how they arrive at a given location, conferring a set of obligations and holding them to such high global promises on the basis of where they were born undermines the principle that consent be given voluntarily and unambiguously (Mouffe 2005, 31).

Moreover, Locke makes the significant and generalizable observation in seventeenth century England that immigrants are not a menace, but a prized means of production. If properly educated and socialized, they stimulate and stabilize the economy, which leads to thriving markets, a higher standard of living, and stronger national security. Habituating these foreigners

to the laws and customs of the state makes them no more dangerous to society or one's individual property than a native-born citizen.

Immigrants have the potential to make a positive impact on the institution of citizenship by swearing their explicit consent to government and, in return, giving native-born citizens a great deal to learn from the group of new immigrant-citizens. Joseph H. Carens argues, "we cannot dismiss the aliens on the ground that they are other, because we are the products of a liberal culture; [however,] if people want to sign the social contract, they should be permitted to do so" (1987, 345-6). Denying immigrants the opportunity to earn U.S. citizenship or the privilege of even setting foot in a particular country, is endemic to democracy and civic engagement. It also undermines the legitimacy of the formation of the state because "politic[al] societies all began from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors, and forms of government" (Locke 1993, VIII.102). It also leaves the state vulnerable to civic unrest, protest, and cynicism (Honig 2001, 31).

The democratic dissonance that helps vivify politics and remedy the crisis in citizenship can be restored. Immigrants bring new perspective, pro-activeness, and a romanticized vision of active participation that harks back to and enriches American, liberal democratic traditions. In particular, the 1.5 Generation reinvigorates democracy because their diversity of opinions and experiences, in conjunction with their American upbringing and education, illuminate the shortcomings in public policy, political decision-making, and civic attitudes that are necessary to sustain and enrich deliberative democracy.

The qualities these immigrants exemplify spur increased participation by their native-born counterparts, who tend to neglect to exercise these rights or take them for granted unless otherwise motivated. Observing the way in which members of the 1.5 Generation situate

themselves in society and covet U.S. citizenship prompts many citizens to reflect back upon themselves and embrace their citizenship. Honig reaffirms this idea, emphasizing, “our faith in a just economy, our sense of community or family, our consent-based sense of legitimacy, or our voluntarist vigor are so moribund that only a foreigner could reinvigorate them” (2001, 76). Though it may be difficult initially to reconcile the virtues and vices of citizens and non-citizens, doing so allows the 1.5 Generation to engage in a constructive dialogue with their native-born counterparts to help restore political participation and a more robust conception of citizenship to American democracy.

However, many undocumented immigrants feel compelled to adopt a more cautious, discreet persona so that they might not be exposed and expelled. This perpetuates the pattern of alienation and withdrawal because avoiding situations that put members of the 1.5 Generation at risk also reduces the possibility that public will gain awareness, understanding, and compassion for undocumented immigrants. It also contributes to “civic cynicism,” or the idea that there is no way to avoid the power or the divisiveness of the law (Honig 2001, 31). This is, in itself, a disconcerting prospect for the health of liberal democratic politics because the people who give birth to, amend, and legitimize the law by crafting it and obeying it appear ambivalent and disinterested, while those who are eager to subscribe to the laws and customs of U.S. law are shamed and rejected.

These irreconcilable perspectives illustrate the public’s strong and diversified attitudes toward foreigners. In *Democracy and the Foreigner*, Bonnie Honig captures the frustration and uncertainty of this polarization, stating:

Either immigrants are valued for what ‘they’ bring to ‘us’—diversity, energy, talents, industry, innovative cuisines, and new recipes, plus a renewed appreciation for our own regime whose virtues are so great that they draw immigrants to join us—or they are feared for what they will do to us: consume

our welfare benefits, dilute our common heritage, fragment our politics, undermine our democratic culture. Both responses judge the immigrant in terms of what she will do for—or to—us as a nation. (Honig 2001, 46)

Though it is legally and morally complex to draw the line between illegal acts for different generational cohorts of undocumented immigrants, and attitudes towards immigrants vary significantly, I argue that the benefits of creating a path to citizenship for the 1.5 Generation outweigh the costs. Removing or deporting immigrants when their presence is politically and economically prudent and alienating or marginalizing this group results in further unrest and disengagement. Furthermore, allowing immigrants to stay without granting them certain legal and civil rights is exploitation, and giving credence to tacit consent (from either members of the 1.5 Generation or their or native-born citizens) in exchange for citizenship is unreliable and undermines political participation, the democratic process, and social order.²⁷

Conclusion: The Perfect Non-Citizens

As evidenced by the two models of citizenship that characterize the United States, Americans champion the free, rational, and willing choice endowed by the liberal tradition, while upholding the republican notions of patriotism, participation, and brotherhood (though, oftentimes, inconsistently). Americans view their citizenship as closely tied to their homeland, and they fervently defend both this membership and the benefits afforded to them. However, despite important differences, both liberalism and republicanism place action at the core of the citizens' identity—the action inherent in individual choice to the liberal, and the action inherent

²⁷ Including undocumented immigrants or, at the very least, giving them some acknowledgement and distinction is critical to the stability and order of a democratic society. As Michael Walzer explains, “No democratic state can tolerate the establishment of a fixed status between citizen and foreigner (though there can be stages in the transition from one of these political identities to the other). Men and women are either subject to the state's authority or not; and if they are subject, they must be given a say, and ultimately an equal say, in what authority does” (Walzer 1983, 61).

in civic engagement to the republican. From the point of view of both traditions, passivity and inaction, are the defining characteristics in the condition of non-citizens. However, once these models are put into action in tandem, as I will propose in the next section, the U.S. will experience a reinvigoration of democratic participation and civic engagement and will learn a better way to distribute membership to and socialize undocumented immigrants.

In this essay, I have chosen to focus my attention on the 1.5 Generation because they provide a unique case study. They are the epitome of non-citizens not only legally, because their residential status is undefined and unauthorized, but also because their lives have been defined by passivity and lack of choice. Unlike native-born citizens, whose passive consent to government and citizenship is regarded as an implicit bond to the land in which they were born, undocumented immigrant children merely ended up here, oftentimes unaware of how they arrived, why they came and, now, the appropriate way to engage publically and communally. Given their orientation to citizenship (or lack thereof), they provide an interesting example of the consequences of statelessness and the way to create ideal citizens—that is, active, participatory, politically efficacious members of the socio-political community who, empowered by choice, contribute to a more robust democracy and civil society. Through a greater understanding and application of the theories defining citizenship in the United States, civic education, and a defined path to achieve this membership-status, undocumented youth possess the potential to redefine and reinvigorate the institution of citizenship and American democracy—an undertaking that cannot be accomplished by native-born citizens or undocumented immigrants who enter the U.S. as adults.

Having elaborated on the civic, normative, and consequentialist arguments for and against providing a means for members of the 1.5 Generation to earn citizenship, I take this

examination one step further in the next section by providing an outline of the function, strengths, and weaknesses of the DREAM Act by placing in dialogue with ancient, modern, and contemporary political theories.

SECTION III: REINTERPRETING AND REFINING THE DREAM ACT

Introduction

Members of the 1.5 Generation demonstrate high developmental potential for both cultivating the institution and quality of citizenship and for informing the education and practice of citizenship among native-born citizens. Establishing a procedure by which, at a young age, these undocumented migrants may build character, become more politically engaged and, ultimately, earn citizenship will not only address a pressing public policy issue but reinvigorate citizenship as it is distributed and practiced in the United States. A program that would effectively serve this purpose is the DREAM Act, which I expand upon and reformulate in this section.

This analytical reading of the DREAM Act frames immigration reform in a new way that highlights this piece of legislation's potential to generate active citizenship and civic engagement. More specifically, I suggest that if one looks at the DREAM Act through the lens of the Lockean-liberal and civic-republican conceptions of citizenship, a unique pattern emerges: the higher education option of the DREAM Act serves as a modern manifestation of the liberal model, and the military service option serves as a modern manifestation of the republican model.

Nevertheless, though this interpretation of the DREAM Act presents a solution that incorporates theoretical traditions from both the liberal and republican tradition, these options will fall short of reinvigorating American democracy and remedying the crisis in citizenship. Consequently, I propose amending the DREAM Act to require two years of national service, with a wide range of options permitted, in place of the military service/education option, and I theorize the impact implementing this program will have for American democracy and civic engagement.

Reinterpreting the DREAM Act

Beyond the procedural requirements necessary to earn citizenship under the DREAM Act and the more visible social, economic, and political consequences, there exist more profound philosophical and political underpinnings. By refining undocumented immigrants' skills with further education, training, and opportunities for engagement, the DREAM Act strengthens the U.S. at home and abroad and provides upward social mobility for the immigrant community. However, this legislation's most significant contribution is its capacity to serve as both a means and an end to stimulate political participation and civic engagement, which is currently declining in the United States. The DREAM Act, especially if properly reformulated along the lines proposed later in this section, promotes the liberal ideals on which the United States was founded: life, liberty, individual property and choice, and stresses republican notions of the common good, civic virtue, and democratic participation.

The Education Option: A Reflection of Liberal Political Theory

As I have explained, many Americans agree that members of the 1.5 Generation should have an opportunity to earn U.S. citizenship, and the current form of the DREAM Act implies that education and, in particular, *higher* education, is a worthwhile component of the citizenship process. Liberalism's commitment to basic human rights ensures that individuals are not unjustly or discriminatorily excluded from participating in the civil society if they so choose and pursuing their individual interests (Schuck & Smith 1996, 294). Eligibility for higher education indicates ambition, the demands of secondary and higher education demonstrate industriousness, and the act of going to school encourages choice, self-improvement, and self-advancement. These are all

tenets of the liberal conception of citizenship, which leads me to conclude that the option to pursue higher education through the DREAM Act can be interpreted as a reflection of this liberal model. Between the unusual set of circumstances that resulted in their arrival in the U.S. and their willingness to work hard, engage in self-improvement, serve their community, and abide by the laws, the 1.5 Generation merits special consideration.

According to Senator Durbin, the 1.5 Generation should not be discouraged or dissuaded from seizing an opportunity for self-improvement and self-advancement such as higher education:

If we allow ... roadblocks to higher education to persist, *we ultimately hurt our nation* because we will deprive ourselves of future leaders, and the increased tax revenues and economic growth they would produce. Young people with great potential and ambitions would be limited to the employment options available to those without a college degree or worse[;] they would live on the fringes of society and the law. (Durbin 2005; my emphasis added)

This comment betrays the liberal pluralist perspective, which (like the liberal individualist perspective) stresses basic human rights and contracting to government but, in this instance, with the intention of bolstering the health and prosperity of the community.

As Thomas Hobbes observes, “Desire of knowledge, and arts of peace, inclineth men to obey a common power” (Hobbes 1994, I.xi.5). The DREAM Act, if enacted, would simultaneously allow those undocumented immigrants who do not pose a threat to (but, rather, would supply the potential to enrich) the health and safety of American society to cultivate their talents and secure their livelihood, while easing some of the burdens on the Department of Homeland Security. According to Secretary Janet Napolitano, this would allow the DHS to “focus on removing dangerous undocumented criminals, not young adults who have known no other home” (Durbin 2010b). Similarly, passage of the DREAM Act would enhance the protection of native-born citizens because when young people live illegally, they are more likely

to receive lower salaries, work “off the books” jobs, and partake in underground or black-market exchanges that hurt the American economy and the national security.

The DREAM Act therefore resolves some critics’ concerns that creating a path to citizenship for undocumented immigrants will threaten American culture and values and disturb national security and the public order. In particular, the education option of the DREAM Act inculcates civic virtues and habits through inclusion in the community, helps to socialize new members of the community, cultivates these individuals’ economic potential and contribution to the U.S. economy, and provides an exercise in making political choices, which is a useful skill of democratic participation. Taken together, these skills are mutually beneficial for the individual and the community.

The education option of the DREAM Act also makes institutions of higher learning more accessible and achievable.²⁸ The act of cultivating one’s self and one’s mind with higher education keeps capable individuals from squandering their intellectual and professional potential and provides the education, experience, and opportunity for people to make better-informed choices in the future.²⁹

The Military Service Option: A Reflection of Republican Political Theory

²⁸ As mentioned previously, undocumented immigrants are neither entitled to nor excluded from admission to institutions of higher education in the United States; however, many find enrollment in post-secondary education programs cost prohibitive (Bruno 2010, 3). Still, for those individuals who do possess the wherewithal to obtain an advanced degree, there is still only a limited possibility for them to share their knowledge or capabilities without citizenship or, at the very least, a more secure immigration status.

²⁹ In addition to these liberalist advantages, education also produces civic benefits. College-educated workers are more likely to volunteer, donate blood, live healthy lifestyles, and be more open to new or opposing views as compared to less well-educated individuals (Gonzales 2009, 14). Furthermore, these accrued benefits extend to further generations, as “children of college graduates exhibit higher cognitive skills and engage in higher levels of extracurricular, cultural, athletic, and religious activities than other children” (Gonzales 2009, 14).

According to Aristotle, citizenship required a certain form of “excellence” beyond residency and labor, and one such duty to be “proudly assumed” was to defend the community or republic if it was ever threatened (Walzer 1983, 54; Walzer 1989, 216). Consequently, military service “on behalf of the community-patria,” or the sentimentalized homeland, was one of the required acts for citizens (Walzer 1989, 211; Oldsfield 1990b, 181). It inculcated not only a sense of courage, honor, and resilience, but more importantly served as the ultimate representation of one’s civic virtue and willingness to put the public good before the individual.

Drawing upon these republican traditions and implementing the same vehicle to instill these principles, the DREAM Act’s option to serve at least two years in the Armed Services promulgates military service and selfless commitment to one’s country as a pillar of citizenship. Because one’s residency status does not necessarily reflect or impair one’s ability to serve, military service by the 1.5 Generation demonstrates a sense of strength and duty to one’s country that should be “encouraged, respected, and rewarded,” according to William Enyart, Adjunct General of the Illinois National Guard, regardless of the fact they entered the country illegally (“Fresno State Student” 2010; Durbin 2007b).

In response to those who believe accepting DREAM Act beneficiaries into the military poses a heightened security risk, these critics must trust in the institutions that shaped these young people and temper their fear that all immigrants who entered the country without proper documentation are plotting some form of insurgency. As the recent killings at Fort Hood committed by Maj. Nidal Malik Hasan expose, even native-born citizens in the military are capable of dangerous, rebellious behavior. If anything, many immigrants possess a feeling of indebtedness to the adopted country that has nurtured their growth and development, and presumably, they would be intensely loyal to their new country’s safety and protection if

enlisted. Schuck and Smith add, “Because our community shapes our identity, our sense of who we are, it may indeed seem natural to feel that one belongs in one’s country and owes it allegiance in a way that can never be entirely extinguished,” expressing a moral intuition that many native-born Americans seem to have taken for granted or ignored (Schuck & Smith 1996, 20).

The DREAM Act creates a new pool of well-qualified individuals eligible to enlist in the military.³⁰ Because all DREAM Act beneficiaries must graduate from high school (or obtain an equivalent degree) and demonstrate good moral character, they may raise the moral and disciplinary standard for army recruits. Additionally, tapping this pool of recruits is beneficial as many members of the 1.5 Generation already participate in Junior ROTC programs and, as DREAM Act beneficiaries, have already passed criminal background and security checks conducted by the Department of Homeland Security (Stock 2006, 65). Moreover, according to a study by the center for Naval Analyses, non-citizens are more likely to fulfill their enlistment obligations than their U.S.-born counterparts (Durbin 2007a).

As of 2007, there were approximately 35,000 non-citizens serving in the military, with an average of 8,000 more non-citizens enlisting each year (Durbin 2007a). However, by enacting the DREAM Act, the Migration Policy Institute estimates that approximately 31,000 presently undocumented immigrants would choose to enlist in the military (Sieff 2011). These statistics once again demonstrate the way in which undocumented immigrants revive the steadfast civic republican notions of commitment to the community, the polity, and the nation. Moreover, their readiness to serve highlights the civic disengagement among native-born citizens who have

³⁰ The U.S. military would not need to change enlistment regulations for DREAM Act beneficiaries because the military already recruits people with conditional resident status (Stock 2006, 65). This is because of Title 10 of the United States Code, Section 3253, which stipulates, “In time of peace, no person may be accepted for original enlistment in the Army unless he is a citizen of the U.S. or has been lawfully admitted for permanent residence.”

neglected to answer the call of duty and the failure of traditional visions of citizenship to endure in modern democratic America. The military service option will fulfill the republican goal of demanding commitment to the public welfare, while also having the socializing effect of building public-minded citizens.

Criticisms of the DREAM Act

One of the most commonly voiced concerns about the DREAM Act by the immigrant community is that although it provides incentives for higher education, this option is still cost-prohibitive, especially for those individuals from large families with many siblings. Thus, the remaining option, military service, is ultimately most undocumented youths' only recourse for legalizing their status. This has caused many critics to deem the military option a "de-facto poverty draft" (Vamos Unidos Youth 2010). Though military service might otherwise be viewed as an indication of one's boundless loyalty to one's country, the military option compels some people to serve in the Armed Forces who disapprove of militarization or have moral or conscience objections to war, in which they are expected to "fight in ... exchange for the recognition as human beings, a Green Card" (Vamos Unidos Youth 2010). Although the military option is intended to cultivate civic identity and patriotism, many undocumented immigrants view this option as insensitive, employing many formerly undocumented immigrants as instruments of war, oftentimes against individuals in the same impoverished state they successfully escaped, and forcing them into complex and compromising moral and political situations.³¹

³¹ R. Al-qarez Ochoa best illustrated this conflict, stating, "There is a knot in my throat because victims of U.S. aggression abroad look just like us...victims of U.S. aggression at home... Does this mean that our dreams will

In addition to the outcry from the immigrant community over this republican military option, many Americans contend that the DREAM Act condones illegal behavior and undermines U.S. immigration policies by “rewarding rule-breakers” (Bruno 2010, 14). Not only does this perception damage the civic identity and the integrity of the laws, but many native-born citizens feel that this program infringes on their civil rights and civil liberties by diverting taxpayer dollars to support public education and welfare for people who violated the law.

Opponents also predict passage of this legislation would lead to chain migration, because undocumented immigrant parents will bring their children with the expectation that they will also gain privileges and protection from the DREAM Act (Smith 2010). Communities aim to preserve its precious character through selective admission policies and do so by asserting their *sovereign right* to determine for themselves their own criteria for admission “in accordance with [their] own understanding of what membership means in [their] community and what sort of community [they] want to have” (Walzer 1983, 32). Walzer argues admission policies in states, neighborhoods, clubs, and families (among many other social units)³² are a necessary act of conservation because the identity of a community and preservation thereof is contingent on

rest upon the nightmares of people that suffer globally?” (Al-qarez Ochoa 2010). This ambiguity, in turn, moderates the efficacy of the military’s activity and subverts its aim to preserve the social order.

³² Walzer likens the forms and means of determining membership to neighborhoods, families, and clubs. In neighborhoods, an individual or a family can move for their own reasons because the absence of legal restrictions permit them to move at will. The neighborhood thrives when internal cohesion, a decent standard of living, and a moral and political culture are cultivated (Walzer 1983, 36-37). However, Walzer stresses, “neighborhoods can only be open if countries are at least partially closed,” which is another way of saying that regulations for entering the country must be stricter than the naturalization proceedings, because if people manage to enter the country and settle, then the host country has an obligation to accept them (1983, 38). Because the United States has demonstrated deficiencies in border regulation, the neighborhood analogy does not accurately describe the American form of membership.

Walzer also describes a situation in which membership in a country is distributed as it is in families, where citizens feel morally bound to “open their doors” and welcome newcomers and national or ethnic relatives (Walzer 1983, 41). While this may be evident in the relationship between state governments and their residents, the U.S. system of immigration does not display the same sense of empathy and hospitality with foreigners except in the rare case of refugees, so this analogy is also an inadequate description of U.S. membership.

Rather, the U.S. distributes membership similar to a club, in which the founding members decide the criteria for admission: that is, what is the selection process and eligibility for inclusion, what type of identity they would like to create, and with whom they would like to “share and exchange their social goods” (Walzer 1983, 40).

boundaries, resources, population, relatedness, and mutuality (Walzer 1983, 50). The “distinctiveness” of the territory and the group or culture settled there “depends upon closure and, without it, cannot be conceived as a stable feature of human life... closure must be permitted somewhere” (Walzer 1983, 39).³³ Thus, establishing a path to citizenship for the 1.5 Generation is perceived as a threat to this bond and character.³⁴

However, this concern can be mitigated. To prevent the DREAM Act from serving as a magnet for undocumented immigrants, in the most recent versions of the legislation, the DREAM Act restricts beneficiaries’ ability to sponsor family members and prohibits them from “petition[ing] for any family member until fulfilling lengthy and rigorous requirements...and even then, they could have to wait years before being able to successfully petition for parents or siblings” (Miranda 2010).

Nevertheless, the fact remains that there is no means by which the 1.5 Generation may attain legal status, and these people have no desire to return to their respective countries of origin. Amnesty is an unsatisfactory option³⁵ in this situation because, regardless of the political partisanship and vocal public dissent that would make passage of this reprieve impossible, amnesty constitutes merely an act of formal forgetting. Consequently, this policy proposal, if

³³ In this paper, I will not attempt to advocate for the abolition of boundaries or for a post-national state. There is great scholarship dedicated to these topics, and I would prefer to continue my explication of citizenship as it pertains to undocumented immigrant youth under the assumption that transnational citizenship will not be granted in the near future in North America. However, Carens’s observation that Vancouver and Seattle possess many more similarities than Seattle and many other U.S. cities is an important counterpoint to consider, calling into question the validity of enclosures and the justification for preserving distinctive communities using exclusionary practices.

³⁴ I would be remiss if I did not acknowledge that immigration in large numbers can have turbulent consequences that pose a realistic threat to social order. I believe Carens addresses this concern best, stating, “Some restrictions may seem justified based on the public order principle but only the restriction necessary to maintain public order should be in place” (Carens 1989, 338). Essentially, I concede that some restrictions might be necessary in order to stymie disruptions to the social order; however, these must be realistic, regularly reevaluated and amended to meet immigration demands, and respectful and cognizant of one’s basic human rights.

³⁵ There are some critics who consider the DREAM Act amnesty because it provides a means for individuals to evade the law (Smith 2010; Kobach 2006). However, because amnesty implies “something for nothing,” I reject this claim, as the DREAM Act’s requirements place several significant demands on its beneficiaries—not the least of which is risking one’s life in military combat.

enacted, would presumably lead to the passivity and civic complacency found in native-born citizens. If civic skills such as the ability to reason, to socialize, to engage in political discourse and, above all, to embrace one's civic identity are not instilled, participatory democracy fails. Moreover, amnesty fails to curtail the migration of the 1.5 Generation to the United States, to accurately weigh the costs and benefits of incorporating young undocumented immigrants into American society, and to reassure the public, as well as the immigrant community, that their vision of home is not in danger.

Response to DREAM Act Criticisms

In response to some of the criticisms of the DREAM Act, immigrant rights advocates have launched vigorous political mobilization efforts. These included educating community and school officials, engaging student participation, increasing voter registration and voter turnout in Latino communities, collecting college and university presidents' signatures for a petition to pass the DREAM Act, and rallying, hunger-striking, and protesting—while donning wholly symbolic graduation gowns and mortar boards (Gonzales 2008, 221). Though many undocumented participants have risked deportation in the course of these events, their action has provided valuable perspective that both legitimates and reinvigorates the current system of government.³⁶

In response to these protests, U.S. citizens have reacted by organizing themselves and politicizing this issue. This debate has reinvigorated a sense of civic participation and collective action among native-born citizens that has remained latent until recently.

³⁶ Thus far, the Department of Homeland Security has spared undocumented youth who have been arrested during DREAM Act protests so far; however, their cases have still not been dismissed (Jones 2010).

Meanwhile, legislators have become more divided over this issue. Bipartisan support has dwindled as the Democratic and Republican parties continue to become more polarized over illegal immigration and national security as the 2012 election cycle approaches, the national (and global) economy fails to recover from its most recent decline, and the War on Terror weighs heavily on the national conscience. On December 10, 2010, the DREAM Act failed to overcome a Republican filibuster in the Senate, though it managed to pass the House with bipartisan support on December 8, 2010 (Durbin 2010d). Republicans received criticism for resisting and rejecting this legislation, and Democrats garnered negative feedback for using the DREAM Act as a political ploy in which they could build popular support among Latino voters and avoid engaging in the much more complicated and contentious task of full-scale immigration reform.

As the past two sections illustrate, this issue can no longer be ignored. Bruno describes the urgent need to address this issue, stating, “Of the estimated 2.1 million undocumented immigrants that would be eligible for legal permanent residency as established by the DREAM Act, approximately 934,000 are children under age 18 in elementary or secondary education” (Bruno 2010, 2). Similarly, every day, more potential DREAM Act beneficiaries raise the age limit currently stipulated in the bill, eliminating them from the possibility of applying for United States citizenship should the DREAM Act secure passage tomorrow. For this reason and the citizen-based arguments I described in section two, I propose an alternative to the DREAM Act that remedies some of the shortcomings and criticisms presented by the military and education options, creates a path to citizenship that is more accessible to a wider cross-section of undocumented immigrants, and restores liberal and republican civic values to enrich modern-day American citizenship, civic engagement, and democracy.

Policy Proposal: The National Service Option

The DREAM Act places reasonable demands on applicants and inconspicuously incorporates traditional liberal and republican ideals, which have the potential to reinstate a deliberative model of democracy and a richer notion of engaged citizenship. However, not everyone conceives of the DREAM Act in this way or discerns the theoretical implications and possible effects of the citizenship models underpinning this legislation. This is compounded by the fact that the rhetoric surrounding the DREAM Act continues to stress the economic, individualistic consequences of creating this program rather than the impact on citizenship.

Thus, I would like to suggest an alternative draft of this legislation that may lead people to arrive at the same central precept: members of the 1.5 Generation present significant advantages to American democracy and civic engagement, and providing a path for these individuals to earn citizenship will be mutually beneficial for these immigrants and American democracy. Moreover, this path must not be a merely symbolic transfer of citizenship but one that is active, engaged, and mutually beneficial for the host community. If all that were required for undocumented people was to hold jobs, go to school, and raise their families legally, then ‘amnesty’ would be more than adequate. However, historical analysis of vibrant, healthy democracies suggests that a more active, informed model of citizenship is necessary to achieve the desired politically engaged and efficacious outcome.

Given this set of conditions, I propose a legislation that keeps the same general set of requirements and path to citizenship as the DREAM Act, but replaces the education and military service options with two years mandatory national service. Under this regulation, beneficiaries would still be granted conditional permanent residency and cancellation of removal, but this course of action would emphasize democratic participation, enhance civic education, and require

practice in promulgating the collective good. Military service would be one avenue for fulfilling this requirement under the umbrella of national service; however, a wide range of opportunities would also be available and might include participation in state and local governments, AmeriCorps, Learn and Serve America, Boys and Girls Clubs, or any other formal, non-profit programs and organizations aimed at national service or developmental assistance.

This alternative will instill civic identity, patriotism, mutual recognition, and political participation that are imbued in the republican tradition. At the same time, it reflects liberalism by allowing participants to select from a wide range of public service options, including military service. Indeed the range of choice will be so broad that this policy has more justification on liberal grounds than the current education/military service choices. It is also consistent with the general procedures and conditions in the DREAM Act, which serve to internalize American values and standards, further develop good moral character, and promote the merit-based ideals of hard work and perseverance.

This proposal would also broaden the meaning of “citizenship” to include a richer conception of civic duty and democratic participation than that presupposed in the current bill. It would attract a wider cross-section of eligible individuals seeking to earn citizenship, including women, people with disabilities, and people who object to war but cannot afford college.

Why National Service? Creating the Citizen out of the Non-Citizen

Replacing national service as the sanctioned option indicates a significant gesture toward redefining and refocusing the scope of citizenship to include civic engagement and participation in democratic practices and institutions. The DREAM Act provides an exceptional vehicle for incorporating undocumented young people into the American body politic, and it serves to

educate immigrants by providing a socializing element to life in the United States and refining civic skills and values. According to Gonzales, participation in politics requires positive political socialization, civic competence, civic skills, mobilization through formal and informal networks, political efficacy, and interest, all of which can be developed in college or the Armed Services, but are truly refined in situations “that challenge our notions of a social and political practice” (2008, 228).

Because undocumented children comprise such a significant component of the youngest generation, herein lies a unique opportunity to not only transform the immigrant community’s conception of citizenship, but to legitimize and reinvigorate the political and pedagogical benefits of civic engagement among all young Americans—native- and foreign-born. This is especially important because civic engagement is in decline, especially among American youth. Members of the 1.5 Generation who are educated and socialized in the U.S. to participate in public service and community engagement can help reverse this decline.

Though some might criticize this recommendation for removing the education option, I suggest this change not to deprive undocumented immigrant youth of the opportunity to pursue higher education, but to prioritize the civic virtues, sophisticated political engagement, and an understanding of the collective good that national service inculcates. Of course, new citizens might elect to pursue more education after they complete their national obligations, as is the case with the G.I.s returning to civilian life. Indeed, the United States could apply a program akin to the G.I. Bill to make higher education more attainable for those who have served the United States for the DREAM Act cohort.

Additionally, this alternative serves as an instrument of social and political change. Inclusion, incorporation, civic education, and the restoration of democratic agonism are

necessary to capitalize on the benefits young undocumented immigrants can provide at a relatively low cost to society. Implementing a program that promotes integration and engagement through national service would also socialize and temper the behaviors of young undocumented immigrants by exposing them to a wide range of perspectives and needs in the United States. This could help cultivate a lasting and impassioned spirit of service that two years of higher education does not achieve. Likewise, because this option can turn the attention of immigrants toward the importance of enriching the home, rather than just defending it, this alternative approach could create more active, consistent, cooperative participants in the political sphere than two years in the Armed Services instills.

National service fosters political efficacy because “participation provides a means to investigate the dynamic between individual immigrants’ agency and the structural or institutional constraints they face in exercising the agency” (Bloemraad 2000, 25). This enhances the quality and content of civic engagement, which results in a more robust democracy and better government. This is a mutually beneficial outcome for the health and prosperity of young undocumented immigrants and for the institutions and practice of American democracy. It establishes more bonds across society, while providing fresh sources of legitimacy, insight, and a stronger sense of community and acceptance.

Consequently, national service, the culmination of the liberal and republican models of citizenship, illuminates areas in the civil society that need improvement and aspects of our democratic system that need repair more than any other proposed option. This contributes to a more healthy, enlightened, agonistic democratic sphere, reinvigorates the debate on immigration,

and compels residents and lawmakers of the United States to reexamine the definition of citizenship and the current policies on immigration.³⁷

³⁷ At this point, I expect that readers will consider if the next logical step would be to require native-born citizens to conduct two years of national service. While it is highly unlikely that any legislation instituting this policy would secure passage in the U.S. Congress, that would serve as a powerful measure to keep native-born Americans familiar with and responsive to the duties, protections, and privileges that come with this legal status.

CONCLUSION

Some proponents of programs that provide a path to citizenship for the 1.5 Generation have suggested that reform is essential to the future success of the United States. According to Bonnie Honig, “In the contemporary United States, a variety of American institutions and values, from capitalism to community to family to the consenting liberal individual, are seen to be periodically reinvigorated by that country’s newest comers, its idealized citizens: naturalizing immigrants” (Honig 2001, 4). Not only do foreigners have the potential to hold some of the country’s most influential and inspiring posts, but their diverse backgrounds also give them a unique range of experiences and insights to draw upon when helping our institutions rise to meet our nation’s most difficult challenges.

However, the current structure of society and political institutions are not conducive to inclusion, community-building, and democratic politics, and at first glance, it appears there is little hope to be spared for reconciling this issue. The inevitability of this conflict is exemplified by the legal problem posed by the 1.5 Generation and, simultaneously, how the 1.5 Generation must act and identify themselves after arriving and growing up in the United States illegally.

As Kymlicka and Norman argue, “the health and stability of a modern democracy depends not only on the justice of its basic structure but also on the qualities and attitudes of its citizens” (1994, 284). These qualities include a passion for political participation, self-identification, and working with others who may be different from oneself (Kymlicka & Norman 1994, 284). Not only does the DREAM Act, revised as proposed here, succeed in educating beneficiaries about the practices and demands of citizenship, it goes further to instruct the “natural” American citizens distributing membership about a richer notion of citizenship and the means to inculcate citizenship to future generations. Although civic engagement is in decline,

especially among American youth, the members of the 1.5 Generation who have completed national service will legitimize and reinvigorate the political and pedagogical benefits of participation and citizenship for all young people.

As long as migration takes place, one can expect demands to improve American democracy as well as a campaign among native-born citizens to restrict the inclusion of foreigners for the sake of preserving the safety and character of the United States. While Americans' defensiveness is understandable, based on their sovereign right to determine who should be included and who should be excluded from the civil society, the normative and consequential advantages of creating a path for the 1.5 Generation to earn citizenship outlined here warrant reexamination of the United States's policy and treatment toward this group of immigrants.

Though the DREAM Act offers a procedure for dealing with this issue, it reflects the same political problems it seeks to correct. Neither the civic-republican nor the Lockean-liberal model of citizenship underpinning the DREAM Act achieves a robust form of citizenship or provides sufficient civic education to create more politically aware and engaged citizens. Consequently, I have reformulated the DREAM Act to include a public service that will advance a conception of citizenship that furthers both liberal and republican agendas, instills civic virtues and habits, and attempts to reverse the decline in civic engagement.

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